

REMARKS

Claims 1-9 and 20-23 remain in this application.


Claim Rejections under 35 U.S.C. 103(a):

Claims 1-9 and 20-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dubin, et al. (US Pub. 2004/0266167) (hereinafter "Dubin") in view of Kohl et al. (U.S. 6,165,890) (hereinafter "Kohl").

Under 35 U.S.C. 103(c), the rejection of claims 1-9 and 20-23 should be withdrawn. Subject matter that qualifies as prior art only under 35 U.S.C. 102(e) does not preclude patentability if the reference and the application were, at the time the application was made, owned by the same person or subject to an obligation of assignment to the same person (35 U.S.C. 103(c)). As stated by the Examiner at page 4 of the previous Office Action mailed January 24, 2005, Dubin qualifies as prior art under 35 U.S.C. 102(c). Dubin is assigned to the Intel Corporation (as recorded on June 26, 2004 at Reel 014378, Frame 0893). The present patent application is also assigned to the Intel Corporation (as recorded on April 21, 2004 at Reel 015260, Frame 0573), and under the inventor's employment agreement, was subject to an obligation of assignment to the Intel Corporation. Thus, under 35 U.S.C. 103(c), Dubin does not preclude patentability of the pending claims, and the rejection of claims 1-9 and 20-23 should be withdrawn.

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Respectfully submitted,

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